

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 13425WO /nh	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006116	International filing date (day/month/year) 07.06.2004	Priority date (day/month/year) 06.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant SCHUKRA GERÄTEBAU AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/006116

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-24 _____ received by this Authority on 06.04.2005 with letter of 06.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2, 2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>13</u>	YES
	Claims	<u>1-12, 14-24</u>	NO
Inventive step (IS)	Claims	<u>13</u>	YES
	Claims	<u>1-12, 14-24</u>	NO
Industrial applicability (IA)	Claims	<u>1-24</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

1. The newly submitted claim 1 differs from the originally submitted claim 1 in that it relates specifically to a backrest section.

US 4 084 850 A (D1), US 5 797 653 A (D2) and GB 609 242 A (D3) describe adjustment devices for adjusting backrest sections by means of an energy accumulator that absorbs mechanical energy when the backrest is adjusted in one direction and releases mechanical energy when the backrest section is adjusted in a second direction.

Consequently, claim 1 cannot be considered novel (PCT Article 33(2)).

2. The use of Bowden cables between the energy accumulator and the backrest section being adjusted is well known from the prior art (in particular in the automotive industry).

Consequently, claim 14 cannot be considered novel (PCT Article 33(2)).

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
3.	<p>Dependent claims 2-12 and 15-24 do not appear to contain any additional features which do not already appear in the search report citations, and which, in combination with the features of claim 1 or 14, could lead to novel and inventive subject matter.</p>
4.	<p>The features in dependent claim 13 cannot be found in their present form in any of the search report citations. Should the applicant submit a new independent claim relating to a combination of claim 13 with one of the preceding claims, he should present arguments to substantiate inventive step (EPC Articles 52(1) and 56).</p>
5.	<p>Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1-D3 or indicate the relevant prior art disclosed therein.</p>